



## COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA  
COUNTY ATTORNEY

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

August 20, 2019

***Via Facsimile (585.613.4325) & U.S. Mail***

Hon. Elizabeth Wolford  
United States District Court, WDNY - Rochester Division  
United States Courthouse  
100 State Street  
Rochester, New York 14614

**Re: Kearns, Michael P. v. Governor Andrew Cuomo, et al.**  
**Our File No.: 7-20190009**  
**W.D.N.Y. Case No.: 1:19-cv-00902-EAW**

Dear Judge Wolford:

Pursuant to your Text Order of August 19, 2019 (Dkt. No. 26), please be advised that Linda Fang, Esq., representing the defendants, and we, representing the plaintiff, have consulted and agreed to present the following proposed Briefing Schedule for your consideration.

**BRIEFING SCHEDULE:**

- 1) Sept. 16, 2019:
  - a) Plaintiff's reply in support of plaintiff's motion for a preliminary injunction due;
  - b) Plaintiff's opposition to defendants' motion to dismiss complaint due.
- 2) Sept. 27, 2019:
  - a) Defendants' reply in support of defendants' motion to dismiss complaint due;
  - b) Responses to Immigration Law Reform Institute's *amicus* brief due;
  - c) Responses to Connecticut Attorney General's *amicus* brief due.

I have included the deadlines for responses to the two aforementioned *amicus curiae* briefs because both the defendants' attorneys and we request that our times to respond thereto be extended from September 16, 2019 until and including September 27, 2019.

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Finally, in light of the fact that the defendants proposed a September 27<sup>th</sup> due date for their reply papers in support of their motion to dismiss the complaint that is beyond the previously-scheduled September 25<sup>th</sup> oral argument date, plaintiff, with the consent of Ms. Fang, respectfully requests that oral argument be rescheduled from September 25, 2019 at 2:00 p.m. here in Buffalo until October 4, 2019 at 2:00 p.m. (or, at such other time on that date as is convenient for the Court) here in Buffalo.

Should the Court have any questions or concerns, please do not hesitate to contact me. I anticipate filing this letter electronically with the Court's CM/ECF system, which will then email this letter to the attorneys of record for the parties named as plaintiff and defendants herein.

Thank you for your consideration.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By   
Kenneth R. Kirby

Assistant County Attorney  
Direct Dial: (716) 858-2226  
E-mail: Kenneth.Kirby@erie.gov

KRK/dld

cc: George M. Zimmermann, Esq. (via first-class mail)  
Joel J. Terragnoli, Esq. (via first-class mail)  
Linda Fang, Esq. (via first-class mail)  
Christopher J. Hajec, Esq. (via first-class mail)  
Joshua Perry, Esq. (via first-class mail)  
Daniel T. Warren, *Pro Se* (via first-class mail)

**CERTIFICATE OF SERVICE**

We hereby certify that on August 20, 2019 we electronically filed the foregoing with the clerk of the District Court using its CM/ECF system, and on the same date we mailed a true copy of the foregoing, via the United States Postal Service, to the following non-CM/ECF participant at the following address, by depositing into a United States Postal Service receptacle/depository provided for the same, a true copy of the foregoing, sealed in a postage prepaid, properly addressed wrapper, addressed to the Plaintiff *Pro Se* as follows, which is his last known address:

Daniel T. Warren, *Pro Se*  
836 Indian Church Road  
West Seneca, NY 14224

AND, we hereby certify that on August 20, 2019 we electronically filed with the clerk of District Court using its CM/ECF system, and on the same date the court's CM/ECF system caused to be (electronically) served the foregoing to the following CM/ECF participants at the following (email) addresses:

George M. Zimmerman, Esq.  
New York State Office of the Attorney General  
Attorney for the Defendant(s) Governor Andrew M. Cuomo, Attorney General Letitia A. James,  
and Commissioner of the New York State Department of Motor Vehicles Mark J.F. Schroeder.

**Office & P. O. Address:**

Main Place Tower  
Suite 300A  
350 Main Street  
Buffalo, New York 14202  
Phone: (716) 853-8400  
Email: George.Zimmerman@ag.ny.gov

Joel J. Terragnoli, Esq.  
New York State Office of the Attorney General  
Attorney for the Defendant(s) Governor Andrew M. Cuomo, Attorney General Letitia A. James,  
and Commissioner of the New York State Department of Motor Vehicles Mark J.F. Schroeder.

**Office & P. O. Address:**

Main Place Tower  
Suite 300A  
350 Main Street  
Buffalo, New York 14202  
Phone: (716) 853-8400  
Email: Joel.Terragnoli@ag.ny.gov



Linda Fang, Esq.  
New York State Office of the Attorney General  
Attorney for the Defendant(s) Governor Andrew M. Cuomo, Attorney General Letitia A. James,  
and Commissioner of the New York State Department of Motor Vehicles Mark J.F. Schroeder.

**Office & P. O. Address:**

28 Liberty Street, 23<sup>rd</sup> Floor  
New York, New York 10005  
Phone: (212) 416-8656  
Email: Linda.Fang@ag.ny.gov

AND, we hereby certify that on August 20, 2019 we mailed a true copy of the foregoing via the United States Postal Service, to each of the following non-CM/ECF participants at the following addresses, by depositing into a United States Postal Service receptacle/depository provided for the same, true copies of the foregoing, sealed in postage prepaid, properly addressed wrappers, addressed to each of the following “amicus curiae” counsel at the following addresses, which are their last known addresses:

Christopher J. Hajec, Esq.  
Attorney for Immigration Reform Law Institute, appearing “amicus curiae”

**Office & P. O. Address:**

Christopher J. Hajec, Esq.  
Immigration Law Reform Institute  
25 Massachusetts Ave. NW  
Suite 335  
Washington, DC 20001  
Phone: (202) 232-5590  
Email: chajec@irli.org

Joshua Perry, Esq.  
Special Counsel for Civil Rights for the Attorney General of the State of Connecticut, appearing  
“amicus curiae”

**Office & P. O. Address:**

Office of the Attorney General of the State of Connecticut  
Joshua Perry, Esq.  
Special Counsel for Civil Rights  
P.O.Box 120  
55 Elm Street  
Hartford, CT 06106  
Phone: (860) 808-5372  
Email: Joshua.perry@ct.gov

Dated: Buffalo, New York  
August 20, 2019

MICHAEL A. SIRAGUSA, ESQ.  
Erie County Attorney and Attorney for  
Plaintiff Michael P. Kearns in his official  
capacity as Clerk of the County of Erie,  
New York

By: s/ Kenneth R. Kirby  
KENNETH R. KIRBY, ESQ.  
Assistant County Attorney, of Counsel  
95 Franklin Street, Suite 1635  
Buffalo, NY 14202  
Tel: (716) 858-2208  
Email: kenneth.kirby@erie.gov

By: s/Thomas J. Navarro, Jr.  
THOMAS J. NAVARRO, JR.  
Assistant County Attorney, of Counsel  
95 Franklin Street, Suite 1635  
Buffalo, NY 14202  
Tel: (716) 858-2208  
Email: thomas.navarro@erie.gov